

ORIGINAL

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 19 2012

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ZHIWEN CHEN,

PLAINTIFF,

-AGAINST-

COUNTY OF SUFFOLK, SUFFOLK COUNTY
POLICE DEPARTMENT; POLICE OFFICER
SHANE WILD, POLICE OFFICER RITA D.
ENGELS, AND POLICE OFFICER JAMES
MAGYAR,

DEFENDANTS.¹
-----X

VERDICT SHEET
~~05-CV-4918 (DRH)~~

LONG ISLAND OFFICE

07-CV-3698 (DRH) (ETB)

1/24/12

KORH.

INSTRUCTIONS

THE APPLICABLE LAW AS TO THIS CASE IS FULLY SET FORTH IN THE
CHARGE. THE PURPOSE OF THIS FORM IS SOLELY TO ASSIST YOU IN
REPORTING YOUR VERDICT.

YOUR VERDICT MUST BE UNANIMOUS, THAT IS, EACH OF YOU MUST AGREE
ON THE ANSWER TO EACH QUESTION.

FEDERAL CIVIL RIGHTS CLAIMS

1. HAS PLAINTIFF PROVEN EACH ELEMENT OF HER FEDERAL CIVIL
RIGHTS CLAIM OF EXCESSIVE FORCE AGAINST DEFENDANT WILD?

YES _____

NO ☒

2. HAS PLAINTIFF PROVEN EACH ELEMENT OF HER FEDERAL CIVIL

¹ AS YOU WILL NOTE, THERE ARE SEVERAL DEFENDANTS LISTED IN
THE CAPTION. YOUR ROLE IS TO DETERMINE PLAINTIFF'S CLAIMS
AGAINST THE INDIVIDUAL OFFICERS ONLY, NAMELY, POLICE OFFICER
SHANE WILD, POLICE OFFICER RITA D. ENGELS AND POLICE OFFICER
JAMES MAGYAR. SHOULD PLAINTIFF PREVAIL AGAINST ONE OR MORE OF
THESE OFFICERS, I WILL ADDRESS THE CLAIM AGAINST THE OTHER
DEFENDANTS.

RIGHTS CLAIM OF EXCESSIVE FORCE AGAINST DEFENDANT ENGELS?

YES ✓ NO

3. HAS PLAINTIFF PROVEN EACH ELEMENT OF HER FEDERAL CIVIL RIGHTS CLAIM OF EXCESSIVE FORCE AGAINST DEFENDANT MAGYAR?

YES ✓ NO

IF YOU HAVE ANSWERED QUESTIONS 1, 2, AND 3 "NO," THEN YOU HAVE FOUND FOR EACH OF THE DEFENDANTS AND YOU SHOULD GO NO FURTHER BEYOND REPORTING YOUR VERDICT TO THE COURT.

IF YOU ANSWERED "YES" TO QUESTIONS 1, 2, AND/OR 3, PROCEED TO QUESTION 4.

COMPENSATORY DAMAGES

4. DO YOU FIND THAT PLAINTIFF IS ENTITLED TO RECOVER DAMAGES FOR:

A. PAIN AND SUFFERING?²

YES ✓ NO

B. IF YOUR ANSWER TO "A(I)" IS "YES," IN WHAT AMOUNT?

\$ 20,000

NOMINAL DAMAGES

5. ANSWER THIS QUESTION ONLY IF YOU ANSWERED "YES" TO QUESTIONS 1, 2 AND/OR 3 AND ONLY IF PLAINTIFF FAILED TO PROVE THAT HE SUSTAINED ANY COMPENSATORY DAMAGES AS THE RESULT OF A FEDERAL CONSTITUTIONAL DEPRIVATION.

\$

(NOT TO EXCEED \$1.00)

² AS EXPLAINED IN THE CHARGE AT PAGE 27, THE TERM "PAIN AND SUFFERING" INCLUDES "PHYSICAL INJURY, PAIN AND SUFFERING, MENTAL ANGUISH, SHOCK AND DISCOMFORT."

PUNITIVE DAMAGES

6. PLEASE STATE THE AMOUNT OF PUNITIVE DAMAGES, IF ANY, YOU ARE AWARDING PLAINTIFF AS AGAINST EACH OF THE FOLLOWING DEFENDANTS:

| | | | |
|-----|-------------------|----|----------|
| (A) | AS AGAINST WILD | \$ | <u>Ø</u> |
| (B) | AS AGAINST ENGELS | \$ | <u>Ø</u> |
| (C) | AS AGAINST MAGYAR | \$ | <u>Ø</u> |

DATED: JANUARY 19, 2012
CENTRAL ISLIP, NEW YORK


FOREPERSON